



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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May 20, 2007

VIA ECF

Honorable Lewis A. Kaplan
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Zhao v. City of New York, et al., 07 CV 3636 (LAK)*

Your Honor:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendant City of New York.¹ I write to respectfully request an enlargement of time until July 23, 2007 to answer or otherwise respond to plaintiff's complaint. Plaintiff's counsel has consented to this request. Defendant has not previously requested an extension of time to respond to the complaint.

In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, defendant requires this additional time to investigate the allegations of the complaint. Moreover, upon information and belief, plaintiff has not yet served the individually-named defendants and this extension of time will allow plaintiff an opportunity to do so. Once these defendants are served, the Corporation Counsel's office must determine, pursuant to Section 50-k of the New York General Municipal Law and based upon a review of the facts of the case, whether it may represent the individually-named defendants. The defendants must then decide whether they wish to be represented by the Corporation Counsel. *See Dunton v. County of Suffolk*, 729 F.2d 903 (2d Cir. 1984). If so, this office must obtain their written authorization. Only then may the defendants be interviewed in order to make decisions as to how to proceed in this case. Compounding the need for this enlargement is a knee injury I sustained last month.

¹ Upon information and belief, neither of the individually-named police officer defendants have been served with process in this case. Without appearing or making any representations on their behalf, it is respectfully requested that, when and if they are served, the same extension be granted to them in order to ensure that their defenses are not jeopardized while representation decisions are being made.

On May 9, 2007, I underwent reconstructive knee surgery and my recovery, including significant ongoing physical therapy, has been and will continue to be time consuming.

Accordingly, defendant City of New York respectfully requests, with plaintiff's consent, that its time to respond to the complaint be extended to July 23, 2007. Thank you for your consideration of this request.

Respectfully submitted,

/s/

John H. Graziadei (JG 1333)
Assistant Corporation Counsel

cc: Eric W. Siegle, Esq. (by facsimile)